

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

RESIDENT EDUCATIONAL RECORDS

This rule, formerly entitled Education: Student Records, is being amended in compliance with the federal court order relating to RI Training School residents, the accreditation standards of the American Correctional Association (ACA) for Juvenile Training Schools and Juvenile Detention Facilities, the accreditation standards of the Correctional Education Association and the opening of new facilities. The rule is amended to provide comprehensive direction to educational staff on procedures for maintaining confidentiality of resident educational records. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by July 26, 2010 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

~~Education:~~ Resident ~~Educational:~~ Student Records

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: Training School ~~and Detention Center~~

Policy: 1200.1730

Effective Date: June 14, 2004 Revised Date: Version: 12

The ~~Principal~~Director of Special Education is responsible for the collection and maintenance of student records. The Director of Special Education is responsible for collection and maintenance of Special Education records. Faculty and staff members may keep informal records relating to their functional responsibilities with individual students.

~~The f~~Federal ~~law,~~ Family Educational Rights and Privacy Act of 1974 (~~FERPA and the Buckley Amendment~~), affords ~~residents~~students certain rights concerning their ~~student~~ educational records. ~~Residents~~Students and/or their parents or legal guardians have some control over the disclosure of information from the records. Educational institutions, such as the Rhode Island Training School Education Program, have the responsibility to prevent improper disclosure of personally identifiable information from the records.

~~The~~ Rhode Island General Law (RIGL), Title 16 establishes ~~specific~~ guidelines for ~~the~~ access to and disclosure of ~~these~~student records.

The Education Program complies with federal and state~~existing~~ law relating to access and disclosure of ~~these~~student records.

Related Procedure

~~Resident Educational~~ Education: Student Records

Related Policy

Special Education Services

Education: Resident Educational : Student Records

Procedure from Policy 1200.1730: ~~Education: Resident Educational: Student Records~~

- A. Parents, guardians and eligible ~~residentstudent~~s have the following rights:
1. The right to personally inspect and review records in existence at the time of the request.
 - a. ~~The request will be made to the Principal or designee~~ appropriate authority.
 - b. ~~The records must be made available within ten (10) days.~~
 2. The right to a reasonable explanation and interpretation of the records.
 3. The right to copies of the records. The cost per copied page of written records will not exceed fifteen cents (\$.15) per page for records copied on common business or legal size paper. No fee will be assessed to search for or to retrieve the records.
 4. The right to have the records preserved as long as a request to inspect is outstanding.
 5. The right to request an amendment and/or record expunging if the parent or eligible ~~residentstudent~~ believes that the information contained in these records is inaccurate, misleading, or in violation of the ~~residentstudent~~'s right to privacy. This request will be made in writing to the ~~designated~~appropriate records keeper.
 6. The right to place a statement in the record commenting on contested information.
- ~~B.~~ Any person aggrieved ~~under the law specified in RIGL, Chapter 16~~ will have the right to appeal according to the provisions of Chapter 39 of Title 16 (RIGL).
- ~~B.~~
- ~~C.~~ The record is the means by which multiple providers communicate a chronology of educational services. Therefore, staff must document records clearly, accurately, and effectively throughout the duration of the ~~residentstudent~~'s stay at the RITS.
- ~~C.~~
- D. Confidentiality
1. ~~1.~~ ~~Confidentiality: When working with a record, employees take precautions to protect residentstudent confidentiality.~~
 2. ~~2.~~ ~~Records are secured in closed drawers or briefcases where they are not exposed to plain view.~~
 3. ~~3.~~ ~~Paperwork that is not filed is secured until it is submitted for filing.~~
- ~~E.~~ Employees make sure that all required information (including signature and dates) is completed on all documents before submission.
- ~~E.~~
- ~~Paragraphs A - E are consistent with Correctional Education Association Standards 40 – 42, as well as American Correctional Association Standards – 3-JDF-1E-01 and 3-JTS-1E-01.~~
- ~~E.F.~~